



Staff Report to Council

DATE: April 17, 2023

DEPARTMENT: Planning

APPLICATION NO.: Z23-0003 - Omnibus No. 61

SUBJECT: Part 3 Text Amendments Regarding Unlicensed Vehicles and Institutional Fencing

BACKGROUND:

Several amendments to Zoning Bylaw No. 300 are being proposed to address issues that have been brought to staff's attention. Given the comprehensive nature of the Zoning Bylaw, it is common practice to identify housekeeping amendments in response to administrative or design issues, and to ensure the bylaw is functioning as intended.

COMMENTARY:

This Omnibus is based on two specific amendments:

1. Amend the wording within Zoning Bylaw 300 with respect to the storage of vehicles – namely, by adding “unlicensed vehicle” to the definitions of Zoning Bylaw 300 to capture changes in ICBC licensing requirements; and
2. Amend the requirement for institutional developments to adhere to the fence height requirements. Institutional fencing often needs to meet other operational objectives.

Notes on Amendment 1: Regulation of Unlicensed Vehicles

The main objective of this amendment is to change the bylaw language to reflect a change in ICBC licensing practices. Zoning Bylaw 300 currently states that uninsured vehicles cannot be stored on private property, however the current language refers to a valid ICBC insurance decal. These decals are no longer required on license plates, leaving the Bylaw Department unable to visually determine the insurance status of stored vehicles, and the bylaw open to the interpretation that vehicles without a decal are not permitted. By changing the wording to reflect insurance status rather than decals, the bylaw can continue to be enforced as intended.

Updated wording to capture the changes to ICBC decal requirements would include:

- Lots greater than 550m² can store one unlicensed vehicle (RV's exempt);

- Lots less than 550m2 cannot store any unlicensed vehicles;
- No storage of automobile parts on any lot, except in an enclosed building;
- No storage of unlicensed vehicles between the road and the front building line on any lot;
- No storage of unlicensed vehicles, large automobiles, or automobile parts on any vacant lot in a Residential Zone.

Summary of proposed changes:

Zoning Bylaw 300	Existing	Proposed
Section 1.01 – Definitions Additions	---	“ <i>Vehicle Insurance</i> means vehicle insurance as defined in the <i>Insurance (Vehicle) Act</i> ”
Section 1.01 – Definitions Amendments	“ <i>Unlicensed Vehicle</i> means a motor vehicle that does not display number plates and a decal specific to the current year validation as required by the <i>Motor Vehicle Act</i> . (Bylaw No. 1944)”	“ <i>Unlicensed Vehicle</i> means an automobile or large automobile that does not display number plates with active <i>Vehicle Insurance</i> .”
Part 3 – General Regulations 3.03 Vehicle Storage	<p>(1) Except where specifically permitted, no lot with a lot area greater than or equal to 550 m2 may be used for the keeping of more than one automobile or large automobile, other than a farm vehicle or recreation vehicle, which is not completely enclosed in a building or structure and which does not have attached or affixed in the manner prescribed by the Motor Vehicle Act Regulations:</p> <p>(a) Motor vehicle number plates and a decal for the current license year issued in respect of that automobile or large automobile; or</p> <p>(b) An interim vehicle license issued in respect of that</p>	<p>(1) Except where specifically permitted, no lot with a lot area greater than or equal to 550 m2 may be used for the keeping of more than one unlicensed vehicle, other than a farm vehicle or recreation vehicle, which is not completely enclosed in a building or structure.</p> <p>(2) Except where specifically permitted, no lot with a lot area less than 550m2 may be used for the keeping of any unlicensed vehicle which is not completely enclosed in a building or structure;</p> <p>(3) No lot may be used for the keeping of detached parts of automobiles or large</p>

Zoning Bylaw 300	Existing	Proposed
	<p>automobile or large automobile pursuant to the Motor Vehicle Act Regulations; or</p> <p>(2) Except where specifically permitted, no lot with a lot area less than 550 m² may be used for the keeping of any farm vehicle or recreation vehicle;</p> <p>(3) No lot may be used for the keeping of detached parts of automobiles or large automobiles, unless the parts are completely enclosed in a permanent building.</p>	<p>automobiles, unless the parts are completely enclosed in a permanent building.</p>
3.03.02 – Vehicle Storage	<p>No unlicensed automobile or large automobile of any type may be stored on a lot in a location between the abutting highway and the front building line.</p>	<p>No unlicensed vehicle of any type may be stored on a lot in a location between the abutting highway and the front building line.</p>
3.03.03 – Vehicle Storage	<p>No vacant lot in any Residential Zone may be used for the keeping of unlicensed automobiles, large automobiles or automobile parts.</p>	<p>No vacant lot in any Residential Zone may be used for the keeping of unlicensed vehicles, large automobiles, or automobile parts.</p>

Notes on Amendment 2

Currently there are fence height restrictions for portions of lots fronting onto streets. These restrictions limit the height of a fence irrespective of the use of the property. Varying of height restrictions requires that Council issue a development variance permit for each property. However, institutional uses require an exemption from the fence height requirement, as institutional fencing usually needs to meet other operational objectives. An example of this is the fencing around the RCMP station on Atkins Avenue for which council issued a variance.

The proposed amendment would add section **3.21.03 (6) – Fences** as follows:

- *“Fences on lots containing Institutional uses are exempt from the fence height restrictions of this subsection”.*

FINANCIAL IMPLICATIONS:

There are no known financial implications for the proposed amendments.

LEGAL IMPLICATIONS:

There are no known legal implications for the proposed amendments.

OPTIONS:

Option 1

THAT Council give First Reading to Bylaw 2126.

OR

Option 2

THAT Council does nothing at this time with respect to Bylaw 2126.

SUBMITTED BY: David Sametz, MCIP, RPP, Planner II – Long Range Planning

Concurrence: Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision

Concurrence: Donna Petrie, Senior Manager of Business Development and Events

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Deputy Director of Corporate Services

Concurrence: Braden Hutchins, Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer